IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 21762 of 2004

Between:

M/s Bell Book Company, No. 5-9-1115, Kanchanjunga Complex, King Koti Road,
Hyderabad, rep. by its partner M. Narender Rao.

..... PETITIONER

AND

1 The Regional Provident Fund Commissioner, A.P. Barkatpura, Hyderabad.
2 The Assistant Provident Fund Commissioner (Enf), Circle-1, A.P. Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ more in the nature of a writ of Mandamus, declaring the action of the respondent seeking to apply and enforce the EPF and MP Act to the petitioner concern even though it employs less than 20 persons and also issuing orders vide reference No. AP/30951/ENF.C-1/T-4/2004/884, dt. 27-10-2004 in undue haste without waiting for the decision of the Appellate Authority in the matter of applicability of the Act to the petitioner concern in terms of the orders passed by this Hon'ble High Court in W.P.No. 3838/2004 dated 3-3-2004 as being arbitrary and illegal and violative of Articles 14, 19 (i) (g) and 300-A of the Constitution of India and consequently direct the respondents not to take further steps pursuant to their notice dated 27-10-2004.

Counsel for the Petitioner: MR.CH.SAMSON BABU

Counsel for the Respondents: MR.R.N.REDDY

The Court at the admission stage made the following :

THE HONOURABLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO.21762 OF 2004

ORDER:

The writ petition is filed questioning the order passed by the second respondent in AP/30951/Enc.C-1/T-4/2004/884, dated 27.10.2004 directing the writ petitioner herein to pay an amount of Rs.1,40,616/- towards contribution of Provident Fund under Section 7A of the Employees Provident Funds and Miscellaneous Provisions Act,1952 (for short “the Act”).

Admittedly, against the impugned order an appeal lies before the Chairman, Tribunal for Provident Funds under Section 7A of the Act. So also, a review can be entertained under Section 7B of the Act as per the terms mentioned therein. The appellant has got an adequate efficacious remedy available by filing a statutory appeal.

In the facts and circumstances of the case, a direction can be given to the writ petitioner to pay 50% of the amount within six weeks from today and in the meanwhile the petitioner shall file an appeal before the concerned authority. Pending disposal of the appeal, the respondents are directed not to take any coercive steps for recovery of the remaining 50% of the amount.

Writ petition is disposed of accordingly. However, no order as to costs.

29.11.2004.

mdaa/ksr.

Copy to:

1 The Regional Provident Fund Commissioner, A.P. Barkatpura, Hyderabad.
2 The Assistant Provident Fund Commissioner (Enf), Circle-1, A.P. Hyderabad.

3. Two C.D.copies.